97TH CONGRESS
2d Session
SENATE
DOCUMENT
No. 97-20

ENACTMENT OF A LAW

PROCEDURAL STEPS IN THE LEGISLATIVE PROCESS

REVISED UNDER THE DIRECTION OF

WILLIAM F. HILDENBRAND

SECRETARY OF THE SENATE

BY

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PARLIAMENTARIAN OF THE SENATE

DECEMBER 4 (legislative day, NOVEMBER 30), 1981.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
87-141 O WASHINGTON : 1982

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

S920-6

S. Res. 254

IN THE SENATE OF THE UNITED STATES,
December 4 (legislative day, November 30), 1981.

Resolved, That a document entitled "Enactment of a Law and Other Aspects of the Legislative Branch of Government", relative to the procedural steps in the legislative process, prepared by the Parliamentarian of the Senate, under the direction of the Secretary of the Senate, be printed as a Senate document.

SEC. 2. There shall be printed eleven thousand additional copies for the use of the Committee on Rules and Administration.

Attest:

WILLIAM F. HILDENBRAND,
Secretary.

FOREWORD

Nothing can be of greater importance in a democracy than the dissemination of knowledge concerning the way that the government operates and how citizens can involve themselves in a meaningful fashion in that government. It is to that end that I am pleased that a new and expanded edition of this document, which has such a long and proud history, has been published. I can only hope that you the readers will find it helpful and enlightening as a primer on the legislative process and that your involvement in our American democratic process is aided as a result.

WILLIAM F. HILDENBRAND,
Secretary, U.S. Senate.

ENACTMENT OF A LAW

AND OTHER ASPECTS OF THE LEGISLATIVE BRANCH OF GOVERNMENT

The legislative branch of government has responsibilities which in many cases transcend the process of enactment of legislation. Among these are the Senate's power of advice and consent with regard to treaties and nominations and the power of either or both of the two Houses of Congress to veto various executive proposals through resolutions of disapproval, or the refusal to agree to resolutions of approval, for such activities as executive reorganization. The preeminent role of the legislative branch, however, is its concern with legislation.

"All legislative Powers" granted to the Federal Government by the Constitution, as stated in Article I, Section 1, are vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. The Congress meets at least once a year, and has been doing so since 1789 in the following locations: from March 4, 1789 through August 12, 1790, in Federal Hall, New York City, New York; from December 6, 1790 through December 2, 1799, in Congress Hall, Philadelphia, Pennsylvania; from November 17, 1800 through the present, The Capitol, Washington, District of Columbia.

The Senate is composed of 100 Members. Each State, regardless of area or population, is entitled under the Constitution to two Senators. Constitutionally, the Senate's Presiding Officer is the Vice President of the United States, who is also the President of the Senate. Under prescribed circumstances, however, the Presiding Officer of the Senate can be any one of a number of officials of the Senate. The Senate chooses a President pro tempore who holds the office during the pleasure of the Senate and until another is elected or his term of office as a Senator expires. The very first act ever performed by the Senate (in 1789) was the election of a President pro tempore, who was elected "for the sole purpose" of opening the electoral vote in the absence of the Vice President-elect, who had not yet been installed. That appointment ceased 20 days later when John Adams appeared. From then through the 1860's vacancies occurred in the office of President pro tempore by reason of the return of the Vice President to the Chair.

The President pro tempore has the right to name a Senator as an Acting President pro tempore to perform the duties of the Chair. On January 10, 1977 the Senate adopted a resolution creating an Office of Deputy President pro tempore of the Senate. The resolution provided in part that: "any Member of the Senate who has held the Office of President or Vice President of the United States shall be a Deputy President pro tempore." Although the resolution did not specifically enumerate the duties and responsibilities of the office, the Deputy President pro tempore is authorized a legislative staff

of three persons and an automobile with driver-messenger. Former Vice President Hubert H. Humphrey, then a Senator from Minnesota in 1977, received the special title, pay and allowances as a mark of respect for his former high office.

In the absence of the Vice President, and pending the election of a President pro tempore, the Secretary of the Senate, or in his absence the Assistant Secretary, shall perform the duties of the Chair.

The only exception to the constitutional right of the Vice President to preside occurs when the President of the United States, or the Vice President of the United States, upon whom the powers and duties of the Office of President shall have devolved, shall be impeached and the Chief Justice of the Supreme Court presides over the impeachment trial.

Senators are elected for terms of six years and are divided into three classes, so that the terms of one-third thereof expire every two years.

Membership of the House is apportioned on the basis of the population of the several States, the number now being fixed at 435, but each State shall have at least one Representative. The House is presided over by the Speaker, who is chosen by its Members at the beginning of a Congress or when a vacancy occurs in that office. Members of the House are elected for two-year terms, being the same as the duration of a Congress.

Vacancies in the representation of any State in the Senate may be filled at a special election called for such purpose or by a temporary appointment by the Governor. In the latter case the appointee serves until the vacancy is filled by election in the manner provided by law. Vacancies in the House of Representatives can only be filled by an election for that purpose.

In addition to the 435 Members of the House, there are in that body a Resident Commissioner from Puerto Rico, and one Delegate each from American Somoa, the District of Columbia, Guam, and the Virgin Islands. They have the same rights and privileges as a Representative with respect to attending sessions of the House, engaging in debate, and serving on committees, but they do not have the right to vote.

The life of a Congress is two years.

The Congress assembles at least once every year, as provided by the Constitution, beginning at noon on January 3rd, unless by law the two Houses shall otherwise provide.

The Senate's first day of the first session is largely ceremonial and organizational, including the administration of oaths of office; notification to the President and the House of the assembling of a quorum; adoption of resolutions electing Senate officials, fixing the Senate's hour of daily meeting, and providing for counting of the electoral vote for President and Vice President (occurring every other Congress); and getting unanimous consent agreements permitting the Senate to conduct routine housekeeping.

When the second session first meets, similar, though fewer, matters are provided for, since most requests for authority cover both sessions of a Congress, and officials are elected to serve at the pleasure of the Senate and until the election of a successor.

Upon reconvening after a sine die adjournment, the Chair lays before the Senate any letters of resignation of Senators and certificates of appointment of Senators to fill the vacancies caused by those resignations, together with the credentials of newly elected Senators.

The President, under the Constitution, may call a special session of Congress, or either body thereof, whenever in his judgment it is necessary. He may even adjourn them to such time as he shall think proper in case of "disagreement between them, with respect to the time of adjournment."

Both Houses ordinarily meet at noon each day, but either may change its hour of meeting. Each House terminates its daily session at its own pleasure, usually by 6:00 p.m.; however, evening sessions are held when necessary. Neither House can recess or adjourn for more than three days without the consent of the other.

Bills and resolutions started on their way to enactment but left unfinished at the end of any session of a Congress, except the last, are proceeded with at the next session as if no adjournment had taken place; however, at the end of a Congress all such measures die on which final action has not been taken. Treaties and protocols, which are considered by the Senate only, do not die, but remain from Congress to Congress until disposed of. Their consideration, however, must be resumed anew at the beginning of the next Congress. Nominations unacted upon in a session die and must be resubmitted to the Senate at the next session. A recess for more than 30 days also requires nominations to be returned to the President.

FORMS AND DESIGNATION OF LEGISLATIVE BUSINESS

All proposed legislation, and nearly all formal actions by either of the two Houses, take the form of a bill or resolution.

A bill is a legislative proposal of a general nature. A bill may propose either a public or private matter, but both are contained in the same numerical sequence. Public bills are the most numerous. They are designed to affect or benefit the general public. Private bills affect or benefit individuals or groups of individuals. Together, bills account for a large majority of the total of legislative proposals of each Congress. The Senate numbers bills in sequence starting with number 1, and each number is preceded by the designation "S." House bills are similarly numbered and prefaced by "H.R." Thus, bill number 100 in the Senate is written S. 100, and in the House, H.R. 100.

Joint Resolutions, which have the same effect as bills unless they are used to propose amendments to the Constitution, are designated "S.J. Res. ———." Concurrent Resolutions, which are designated "S. Con. Res. ———" for Senate concurrent resolutions, are chosen to express the sense of the Congress to the President or other parties; to attend to "housekeeping" matters affecting both Houses; or to carry proposals to correct the language of measures passed by one House (an engrossment), or both Houses (an enrollment). All concurrent resolutions, including corrective resolutions, must be agreed to in both the Senate and House. One House may seek to correct a measure it passed, or both Houses may wish to correct a measure awaiting the President's signature. The former may be accomplished merely by specifying what changes or additions are to be made and requesting the other House to make them, or requesting the return of the measure to the originating House for that purpose. Correction of measures already sent to the President, however, are made after

agreement of both Houses to concurrent resolutions requesting their return from the White House. Such resolutions include a resolve that if and when a measure is returned, the action of the Presiding Officers of the two Houses in signing the measure shall be deemed rescinded, and the Secretary of the Senate or the Clerk of the House is authorized and directed in the reenrollment of the measure to make the necessary corrections. The corrected measure (bill or joint resolution) is then again signed by the Secretary of the Senate or the Clerk of the House, the Speaker, and the Vice President and again delivered to the White House. Concurrent resolutions are not presented to the White House for the President's signature, because they do not become law.

Finally there is the designation of "S. Res. ——," for Senate resolutions. When the question of agreement to, or formal acceptance of, a resolution is raised, concurrent and simple resolutions are agreed to or adopted, whereas bills and joint resolutions are passed.

In the House of Representatives, they have the following designations: "H.R. ———," for House bills; "H.J. Res. ———," for House joint resolutions; "H. Con. Res. ———," for House concurrent resolutions; and "H. Res. ———," for House resolutions. The bills and resolutions are numbered ad seriatim, in the chronological order in which they are introduced.

Senate and House bills and Senate and House joint resolutions, when passed by both Houses in identical form and approved by the President, become public or private law—public laws affect the Nation as a whole; private laws benefit only an individual or a class thereof. The procedure on each is identical, with the exception of joint resolutions proposing amendments to the Constitution of the United States, which under the Constitution must be passed in each House by a two-thirds vote of the Members present and voting, a quorum being present. They are not sent to the President for his approval but to the Administrator of the General Services Administration, who transmits them to the various States for ratification by at least three-fourths thereof. When so ratified, such amendments are valid.

Concurrent resolutions by either House do not become law; they are not signed by the President, nor by the Speaker and the Vice President. They are attested by the Secretary of the Senate and Clerk of the House and transmitted after approval to the Administrator of the General Services Administration for publication in the Statutes at Large. Concurrent resolutions have the force of both Houses and must be approved by them in identical form to be effective—they are used for joint housekeeping matters, such as the creation of a joint committee or to express the sense of Congress.

A House or Senate resolution (H. Res. —— and S. Res.———) only has the force of the House passing it, and the action by the one House is all that is necessary. Such resolutions are used for the housekeeping matters of the House passing it, such as creating an ad hoc investigating committee. They are also used to express the sense of the body passing them.

ORIGIN OF LEGISLATION

Legislation originates in several ways. The Constitution provides that the President "shall from time to time give to the Congress

Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; . . . ."

The President fulfills this duty either by personally addressing a joint session of the two Houses or by sending messages in writing to the Congress, or to either body thereof, which are received and referred to the appropriate committees. The President usually presents or submits his annual message on the state of the Union shortly after the beginning of a session.

In addition, there are many executive communications sent to the Congress. These are documents signed by the President, Agency, Department head or organization, and filed or submitted as a report to the Senate as directed by law or otherwise. These items are numbered sequentially for a Congress and assigned a prefix EC. They are described only by a brief statement of the contents in the Congressional Record.

The right of petition is guaranteed the citizens of the United States by the Constitution, and many individual petitions and memorials from State legislatures are sent to Congress. They are laid before the two Houses by their respective Presiding Officers or submitted by individual Members of the House and Senate in their respective bodies, and are usually referred to the appropriate committees of the House in which they were submitted.

Bills to carry out the recommendations of the President are usually introduced "by request" by the chairmen of the various committees or subcommittees thereof which have jurisdiction of the subject matter. Sometimes the committees themselves may submit and report to the Senate "original bills" to carry out such recommendations.

The ideas for legislative proposals may come from an individual Representative or Senator, from any of the executive departments of the Government, from private organized groups or associations, or from any individual citizen. However, they can be introduced in their respective Houses only by Senators and Representatives. When introduced, they are referred to the standing committees which have jurisdiction of the subject matter.

Members frequently introduce bills that are similar in purpose, in which case the committee considering them may take one of the bills and add the best features of the others for reporting to the parent body, or draft an entirely new bill and report it (known as an original bill) in lieu of the others.

A TYPICAL DAY AS IT ILLUSTRATES THE LEGISLATIVE PROCESS

Each day in the Senate begins as the Secretary of the Senate and the Presiding Officer for that day escorts the Chaplain of the Senate or guest chaplain to the desk. The Chaplain is a clergyman chosen by the Senate, whose responsibility is to offer the prayer at the opening of each daily session, as well as to officiate at various ceremonies and respond to Senators' private needs. Various officials are present on the floor of the Senate when it convenes, including the Majority and Minority Leaders of the Senate, the Secretary and Assistant Secretary of the Senate, the Sergeant at Arms, the Legislative Clerk, the Journal Clerk, the Parliamentarian of the Senate, the Secretaries for the

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Majority and the Minority, the Official Reporters of Debate, and the Pages.

SECRETARY OF THE SENATE

The Secretary of the Senate is the elected official of the Senate responsible for management of many legislative and administrative services. The Secretary is the disbursing officer for the Senate. The official seal of the Senate is in the custody of, and its use is prescribed by, the Secretary. In the absence of the Vice President, and pending the election of a President pro tempore, the Secretary performs the duties of the Chair.

ASSISTANT SECRETARY OF THE SENATE

The Assistant Secretary of the Senate is the chief assistant of the Secretary of the Senate. The Assistant Secretary performs the functions of the Secretary in the latter's absence, and in the event of the death or resignation of the Secretary would act as Secretary in all matters except those duties as disbursing officer of the Senate.

SERGEANT AT ARMS

On the day after the first organization of the Senate, a Doorkeeper was chosen whose title was eventually changed to Sergeant at Arms. His duties are to execute the Senate's orders as to decorum on the floor and in the galleries. He is responsible for the enforcement of all rules made for the regulation of the Senate wing of the Capitol. He is the custodian of all properties under the dominion of the Senate and supervises the messengers, pages, and other workers who labor for the Senate. If the Senate decides to issue warrants of arrest for its absent Members, it is the duty of the Sergeant at Arms to bring those Senators into custody.

JOURNAL CLERK

Article 1, section 5, paragraph 3 of the Constitution provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one-fifth of those Present be entered on the Journal." The Journal Clerk is charged with maintaining the Senate Journal under the direction of the Secretary of the Senate.

LEGISLATIVE CLERK

The Legislative Clerk has the responsibility of reporting all bills, messages from the House, conference reports, and amendments to the Senate. All record votes are taken by the Legislative Clerk and his assistants.

PARLIAMENTARIAN

An appointed official of the Senate, the Parliamentarian functions under the direction of the Secretary of the Senate. The Parliamentarian's chief duty and responsibility is to advise the Presiding Officer on parliamentary aspects of Senate activity. The Parliamentarian advises Senators and senatorial committee staffs on matters, and is called upon by other branches of Government, the press, and the public for advice regarding procedural aspects of Senate activity.

OFFICIAL REPORTERS OF DEBATES

The Official Reporters prepare the material relative to the business of the Senate for inclusion in the Congressional Record. All proceedings in the Senate Chamber are reported verbatim by a staff of seven Official Reporters of Debates, who are under the supervision of the Editor in Chief. The Editor in Chief is the editor of all matter contained in the Senate proceedings. In addition to the verbatim proceedings in the Senate Chamber, the office of the Official Reporters processes for inclusion in the Congressional Record a description of the morning business conducted by the Senate (measures introduced, messages from the President and the House of Representatives, co-sponsors, communications received, and notices of hearings), and additional or unspoken statements of Senators. The Official Reporters of Debates are appointed by the Secretary of the Senate.

SECRETARY FOR THE MAJORITY

The Secretary for the Majority is an elected officer of the Senate who is responsible for providing many support services to the Majority Leadership and Members of the Senate. The floor-related duties of the Secretary include supervising the cloakroom, briefing Senators on votes and issues that are under consideration on the floor, obtaining pair votes for Senators, and polling Senators when the Leadership so desires. Additionally, the Secretary is responsible for assigning Senate Chamber seats to the majority party Members; maintaining a file of committee assignment requests; staffing the Steering Committee during arrangement of majority party committees; recommending to the Leadership majority party candidates for appointment to boards, commissions, and international conferences; maintaining records of such appointments; providing a repository for official minutes of majority conferences and meetings of the Policy Committee, Steering Committee, and committee chairmen; monitoring the nominations on the Executive Calendar; and other duties as directed by the Leadership.

SECRETARY FOR THE MINORITY

The Secretary for the Minority is an elected officer of the Senate. His duties include supervising the cloakrooms, obtaining pair votes for Senators as requested, briefing Senators on issues under consideration and votes, polling Senators at the request of the Leadership, and assigning desk seats on the appropriate side of the aisle of the Senate Chamber. Additional responsibilities of the Secretary of the Minority include staffing of the Steering Committee during arrangement of minority party committees; maintenance of the request files for committee assignments; maintenance of Senate appointments to boards, commissions, and international conferences and recommendations of minority candidates to the Leadership; maintenance of repository for the official minutes of the Minority Conferences, Policy Committee, Steering Committee, and committee chairmen; monitoring of nominations on the Executive Calendar; and other duties as directed by the Leadership.

REPUBLICAN LEGISLATIVE SCHEDULING OFFICE

The Republican Legislative Scheduling Office, under the direction of the Secretary for the Republicans, provides floor assistance to Republican Senators. The staff serves as a liaison between Republican

Senators and the Republican leadership in dealing with Senators' legislative interests, unanimous consent requests, time agreements, and the scheduling of the Senate's proceedings. The staff also handles and schedules Republican Senators to preside over the Senate.

DEMOCRATIC POLICY COMMITTEE FLOOR STAFF

Floor assistance for Democratic Senators is provided by the staff of the Democratic Policy Committee. This staff is available to provide information regarding the scheduling of legislation and to act as liaison between the legislative committees and the Democratic leadership. Assistance is given in the arrangement of unanimous consent requests on time agreements, amendments, and procedural issues on legislation being debated by the Senate. In addition, the staff provides advice on general parliamentary situations.

POLICY COMMITTEES

The Policy Committees are party organizations within the framework of the Senate, functioning to provide services to their respective members in accordance with their needs as follows:

Democratic Policy Committee—detailed voting records available to each Democratic Senator; annual report on the major achievements of the session; extensive index of record votes on legislation both chronologically and by subject matter; and briefings on major bills and amendments.

Senate Republican Policy Committee—maintenance of research library; publication of legislative notices summarizing bills and resolutions on the Senate Calendar and proposed amendments thereto; publication of detailed analysis of all Senate record votes plus indexes, annual abstracts, and lists of voice votes; publication of the weekly Republican Counsel's Report; publication of policy papers on major issues; development of Republican legislative initiatives; research, legislative analysis, and speech writing for Republican Senators upon request; personnel placement and counseling; briefing officials from State and local governments on national issues; assisting new Senators with staff orientation; and assistance to the praty leader in preparation of the End-of-Year Report.

PAGES

Senate pages, male and female, when appointed, must be at least 14 years of age and have completed the 8th grade of school. They may not be appointed or serve after attaining the age of 17, except when serving and enrolled in the Page School, they may continue their service through the session of the Senate in which the Page School terminates. Riding Page Service is provided by a separate service, through the Senate Post Office, several times a day for delivery of Senators' letters to major Federal agencies in the District of Columbia only.

A NEW DAY

As the Senate begins its new day, it is important to note that the Senate recognizes two meanings for the word day, one known as "calendar" day, the other "legislative" day. A calendar day is recognized as each 24 hour period. Reference may be made to a day certain, as in a unanimous consent request to vote on passage of a measure on August 4, 1980 (a specific, determined, or fixed day), or

a day not yet determined, as in a unanimous consent request or rule requiring action "on either of the next two days of actual session." Both, however, represent calendar days. A legislative day is the period of time following an adjournment of the Senate until another adjournment. A recess (rather than an adjournment) in no way affects a legislative day; therefore, one legislative day may consume a considerable period of time—days, weeks, even months, but one or more adjournments from one day to the next would cause the calendar and legislative day to coincide. As used in the Rules of the Senate, unless specified as a calendar day, a day is recognized as a legislative day. There is, for example, the proviso that "no Senator shall speak more than twice upon any one question in debate on the same legislative day . . ." in Rule XIX, and yet Rule V, disallowing motions "to suspend, modify, or amend any rule . . . , except on one day's notice in writing . . . ," although not specifying the type of day, is interpreted as meaning one calendar day.

The Senate Majority Leader by unanimous consent customarily provides for a brief period of time (usually 10 minutes each) at the beginning of each daily session for himself and the Minority Leader to be used at their discretion for observations on current events, pending legislation, submission and agreement of various legislative matters, etc. They may yield all or part of their time to other Senators for sundry purposes.

It is with these orders that the day of the Senate begins.

During the morning hour of each legislative day, Rule VII of the Senate provides that, after the Journal is read, the Presiding Officer lay before the Senate messages, reports, and communications of various types.

Measures or matters are messaged between the two Houses, when transmitted in writing from one House to the other, on information pertaining to the passage of measures or other conduct of official business requiring concurrence or notification. The President of the United States transmits written messages to the Congress, which are brought to the Chamber and announced to the Senate by a messenger from the White House. Such messages are numbered sequentially for a Congress and assigned a prefix PM. They are printed in full in the Congressional Record. Messages from the President may be received at any stage of Senate proceedings, except during votes or quorums, while the Journal is being read, or while a question of order or a motion to adjourn is pending.

The Presiding Officer then calls for "The presentation of petitions and memorials."

These are documents memorializing the Government to do or not to do something. Memorials and petitions when laid before the Senate are numbered and assigned a prefix POM, and all memorials and petitions from State, Territory, and insular possession legislatures or conventions, lawfully called, are printed in full in the Record when presented. Those received from other memorialists or petitioners are described only by a brief statement of the contents.

The Presiding Officer then calls for "Reports of committees," "The introduction of bills and joint resolutions," and "The submission of other resolutions."

Under recent practices, however, nearly all of the bills and resolutions are presented by a Senator to the clerks at the Presiding Officer's

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desk for processing throughout the day, and without any comments from the floor.

The Majority Leader customarily secures unanimous consent at the beginning of each new Congress to allow receipt at the desk of all measures on days when morning business is conducted, at any time of the day. Such permission may be granted to allow Senators to bring measures to the desk, instead of following the procedure as set forth in Rule VII, requiring introduction of bills and joint resolutions only on a new legislative day during the transaction of morning business, followed by submission of other resolutions.

Bills and resolutions are still introduced from the floor, however, and any Senator, when making such introductions, usually discusses his proposal when he presents it. There can be only one prime sponsor of a bill or resolution, but commonly other Senators are included as co-sponsors.

The Senate Rules make no mention of multiple sponsorship, which has been a common practice for many years. Though custom permits unlimited numbers of Senators to sponsor a wide assortment of measures, it prohibits more than one Member's name to appear on a reported bill or resolution and the printed report accompanying it. Co-sponsors are often shown on measures as introduced, but other names may be added, by unanimous consent, at their next printing. Since its inception, the practice of multiple sponsorship has been questioned by many Senators, and others have submitted resolutions to abolish its usage. The Committee on Rules and Administration has held hearings and favorably reported measures to amend the Rules to prohibit joint sponsorship, except under limited conditions, but to date, the full Senate has not voted its approval or disapproval. A former practice of holding measures at the desk for days, to permit the addition of names, has often met considerable opposition and was discontinued in the 1960's.

Measures can be submitted with the phrase "by request", a term found on bills and resolutions introduced or submitted at the request of the Administration or private organizations or individuals, following the name of its sponsor. Such proposals, though introduced as a courtesy, are not necessarily favored by the Senators sponsoring them. Drafts of proposed legislation from the President or an executive agency are usually introduced by the chairman of the committee of jurisdiction, who may on occasion be of the opposition party.

OVER, UNDER THE RULE

Newly offered resolutions or motions, when submitted, cannot be immediately considered when objection is heard. Rule XIV, paragraph 6, provides that they shall be placed on the Calendar under the heading "Resolutions and Motions Over, Under the Rule" and laid before the Senate on the next legislative day immediately before the close of morning business, unless by unanimous consent it is otherwise directed. Once laid before the Senate, if they are not disposed of before the close of the Morning Hour on the following legislative day, they are automatically placed on the Calendar for consideration at a later date in a similar fashion as other bills or resolutions thereon.

The rules require that every bill and joint resolution have three readings, each on a different legislative day, before passage—two of these to occur before reference to a committee. This is seldom done anymore, however, since all bills and resolutions are available in printed form. The reading requirement on different days is rarely invoked, usually only when there are procedural conflicts, but it can be forced on the Senate by a single Senator.

After the second reading of a bill, it is referred by the Presiding Officer to the standing committee of the Senate which, in his judgment, has jurisdiction of the subject matter, or a preponderance thereof. In the Senate, action by the joint leadership or unanimous consent is required to refer a bill jointly and/or sequentially to two or more committees having jurisdiction over the subject matter.

Some measures in the Senate are referred to as "companion measures." This term is used to describe a legislative document identical, or very similar, to another. Generally, companion bills or resolutions are introduced or submitted by design near or on a given day in both Houses. Similar or identical measures with the same intent, however, may be introduced in both the Senate and House at any time during a Congress as separate bills by one or more Members. Such measures, once having been reported from a Senate committee, are placed on the Calendar, and if their companion House measure is messaged to the Senate, it too is placed on the Calendar without being referred to committee.

The Senate committees deal with legislation in specific areas as set forth in Rule XXV, but sometimes the matter contained in certain measures significantly impinges on several areas, thereby necessitating consideration by more than one committee. When such need for joint jurisdiction occurs, a measure may be referred to two or more committees jointly or sequentially by motion of the majority and minority leaders or their designees, or by unanimous consent. When jointly referred, a measure must be jointly reported by the committees involved (except deferral resolutions and rescission bills), and a sequentially referred measure is reported in turn as specified in the motion or consent agreement by which it was so referred.

Endorsements showing the sponsor and reference are made at the Presiding Officer's desk on each bill. These various proceedings are shown in the Congressional Record of that day and are noted in the Minute Book kept by the Journal Clerk. After being referred, the bill is sent by a page to the Office of the Secretary of the Senate and numbered by the Congressional Record Clerk. He delivers it to the Bill Clerk, who makes entries in the Bill Book and the computer-controlled data storage and retrieval system, showing the number, sponsor, title, date, and reference. It is then turned over to the assistant Journal Clerk for proper notation in the Senate Journal of the proceedings of that day, and is subsequently sent to the Government Printing Office to be printed. Printed copies of the bill are delivered (usually the next morning) to the Secretary's Office, to the committee to which the bill was referred, and to the Senate and House document rooms, and are thus made available to the public. The original bill is then returned by the Printing Office to the Secretary of the Senate, who retains it in his files.

ANNUAL APPROPRIATIONS

After becoming law, legislative proposals are generally referred to as "legislative authority."

Funds for carrying on the work of the Government, which are generally in pursuance of this "legislative authority," are provided in general and special appropriation bills.

Although these appropriation bills usually originate in the House of Representatives, a report issued by the House Committee on the Judiciary in the 3d Session of the 46th Congress, entitled "Power of the Senate to Originate Appropriation Bills," said in part: "The principal if not the only question submitted to your committee in this instance is, whether the Senate has the power to originate bills for the appropriation of money, and its correct solution depends solely upon the proper construction of the first clause of the seventh section of the first article of the Constitution, which contains the only restriction to be found anywhere upon the authority of that body to originate bills of any kind or description whatever.

That clause provides that 'all bills for raising revenue shall originate in the House of Representatives: but the Senate may propose or concur with amendments, as on other bills.' And if the words in which it is expressed are to be taken in their ordinary acceptation, as required by the primary canon of legal interpretation, it is difficult to conceive how there could possibly be two opinions as to the idea they were intended to convey, for certainly the distinction between raising revenue and disposing of it after it has been raised is sufficiently obvious to be understood by even the commonest capacity."

The appropriations process has assumed a routine, however, which is briefly as follows: The heads of the various departments and agencies of the Government prepare estimates on the cost of doing their work for the year and submit these estimates to the Director of the Office of Management and Budget. He gives them careful consideration and then he prepares a budget for expenditures for each of the Government establishments based on their own official estimates. This budget is submitted to the President and, after his approval, is transmitted to the Congress.

The Committee on Appropriations of the House usually drafts the appropriation bills. After passage of these bills by that body, they are transmitted to the Senate where they are referred to its Committee on Appropriations. After due consideration by the latter committee, they are reported back to the Senate, usually with recommended amendments, for passage by the Senate.

The Government operates its business on a fiscal rather than a calendar year basis, beginning on October 1 of each year and ending on the following September 30.

When all appropriation bills have not been enacted by October 1, however, the Congress passes a continuing resolution or resolutions. These are a temporary expedient passed in the form of a joint resolution to cover expenditures for general support and administration of departments of the Government whose regular appropriation bills have not yet been enacted. Such resolutions provide "continuing appropriations" at rates generally based on the previous year's appropriations.

THE BUDGET ACT[1]

The Congressional Budget and Impoundment Control Act was enacted in 1974 as a means for Congress to establish national budget priorities and the appropriate level of total revenues expenditures and debt for each year. Moreover, it provided for strict time limits in dealing with Presidential attempts to impound funds already appropriated either through deferrals or rescissions.

The Act established the Congressional Budget Office to provide the Congress with budget-related information. An agency of the Legislative branch, the Office does not make recommendations on matters of policy; its principal tasks are to present the Congress with options for consideration and to study the possible budgetary ramifications of those options.

Control of the budget is exercised through the Senate and House of Representatives agreeing to a Concurrent Resolution on the Budget. In form this resolution can be:

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301 of the Congressional Budget and Impoundment Control Act of 1974; (B) a concurrent resolution reaffirming or revising the congressional budget for the United States Government for a fiscal year as provided in section 310 of the Congressional Budget and Impoundment Control Act of 1974; or (C) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304 of the Congressional Budget and Impoundment Control Act of 1974.

The First Concurrent Resolution is adopted by May 15 preceding the fiscal year to which it applies, and it must be adopted before floor consideration of spending and revenue legislation for that fiscal year. The resolution sets levels of new budget authority, budget outlays, federal revenues, public debt, and any surplus or deficit. The joint explanatory statement of managers accompanying the conference report on the First Concurrent Resolution contains allocations of budget authority among major budget functions. These allocations of each of the amounts in the functional categories are then broken down by committee, or in the case of Appropriations, by subcommittee, and these breakdowns are referred to as "cross walks."

The Second Concurrent Resolution may retain or revise levels set out in the earlier resolution and is binding. It may also direct reconciliation, a process which mandates committees to locate savings within their areas of jurisdiction so that fiscal policies established by the resolution are reflected in congressional spending and revenue actions. In the case of reconciliation, if only one committee is required to reconcile, it reports a reconciliation bill directly to the floor. If multiple committees must reconcile, they report to the Budget Committee which aggregates such legislation without making any substantive change into an omnibus bill and reports such to the floor. The Senate may not adjourn sine die until the Second Concurrent Resolution and any reconciliation process it may direct have been completed.

Subsequent to the adoption of the Second Concurrent Resolution, Congress may pass further budget resolutions making necessary

[1] Based on "Senate Procedure and Practice" Martin B. Gold, 1981.

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fiscal adjustments. This has happened on several occasions in which a First Concurrent Resolution for a forthcoming year revised figures in the previous concurrent resolution for the current year.

Section 311 provides for points of order against considering any bill, resolution, or amendment which would breach spending ceilings or revenue floors set forth in the Second Concurrent Resolution.

To retain flexibility, the Act contains general waiver authority against any provisions in Titles III or IV. This broad waiver is found in Section 904b.

IMPOUNDMENT CONTROL

A second principal purpose of the Act was to develop a mechanism to control Presidential impoundments. The Act recognizes two types of such impoundments: rescissions and deferrals.

In the case of a rescission, the President messages to Congress his determination that certain appropriated funds should not be spent. In a deferral, the President wishes simply to postpone the expenditure of funds.

The deferral of budget authority includes (A) withholding or delaying for a period not beyond the fiscal year the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or (B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law.

A deferral resolution is a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 1013 of Public Law 93–344.

With regard to rescissions, the Act provides that funds proposed for rescission must be made available for expenditure if both Houses do not approve the rescission within 45 days after receipt of the President's message. The rescission bill is amendable, is subject to expedited procedures, and may approve a rescission in part as well as in whole.

EXECUTIVE BUSINESS AND EXECUTIVE SESSIONS

NOMINATIONS

A Presidential nomination requiring advice and consent must be approved by a majority vote of the Senate. After a nomination is received and referred to the appropriate committee, hearings may be held, and after the committee votes, it may be reported back to the Senate. If confirmed, a Resolution of Confirmation is transmitted to the White House and the appointment is then signed by the President.

In addition, Presidential nominations may be made during recesses of the Senate. The Constitution authorizes the President to "fill up" vacancies that may happen during such recesses "by granting Commissions which shall expire at the End of their next Session." Recess appointments to the Supreme Court, however, it was decided in a sense of the Senate resolution agreed to on August 29, 1960, "may not

be wholly consistent with the best interests of the Supreme Court, the nominee who may be involved, the litigants before the Court, nor indeed the people of the United States." It further agreed "that such appointments, therefore, should not be made except under unusual circumstances and for the purpose of preventing or ending a demonstrable breakdown in the administration of the Court's business."

EXECUTIVE MATTERS GENERALLY

The executive business of the Senate includes both nominations and treaties submitted to the Senate by the President of the United States for its "Advice and Consent." This business of the Senate is handled separately from its legislative business.

Treaties are referred to the Committee on Foreign Relations and nominations are referred to one of the various committees of the Senate, basically determined on the grounds of which committee handled the legislation creating the position.

All confidential communications made by the President shall be kept secret, and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy. When the Senate is proceeding on treaty ratification, the treaty shall be read a first time. Only a motion to refer it to committee, to print it in confidence for the use of the Senate, or to remove the injunction of secrecy shall be in order.

When committees report treaties or nominations to the Senate, they are placed on the Executive Calendar, as distinct from the Calendar of Business, on which legislation is placed. These two calendars are printed separately.

When the Senate considers nominations and treaties, it goes into executive session, as distinct from legislative session, and a separate Journal is kept of the proceedings thereon.

TREATIES

The rules for the consideration of executive business are different and distinct from the rules for the consideration and disposition of legislative business. For example, treaties are the only business considered by the Senate in the "Committee of the Whole."

COMMITTEE OF THE WHOLE

Rule XXX provides that the Senate, in executive session, when proceeding to consideration of treaties according to procedure included therein, shall consider them as in Committee of the Whole, and the question shall be put following any amendments therein proposed, "Will the Senate concur in the amendments made in Committee of the Whole?"; after which new amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, and after passing through all other stages, finally consent to the ratification in the form agreed to, if an affirmative two-thirds vote of the Senators present shall so decide.

When there is no further debate or amendment to be proposed, the next step would be the proposal of the resolution of ratification.

Reservations are not in order while the treaty is being considered as in the Committee of the Whole or in the Senate. They should be offered to the resolution of ratification.

After the resolution of ratification has been proposed, no amendment to the treaty is in order except by unanimous consent. Reservations, etc., however, are in order at that stage, and not before.

The vote on the question of agreeing to the resolution of ratification or on a motion to postpone indefinitely requires a two-thirds vote of the Senators present for adoption. All other motions and questions upon a treaty shall be decided by a majority vote.

AMENDMENT TO A TREATY

The Senate may stipulate conditions to a treaty in the form of amendments, reservations, understandings, declarations, statements, interpretations, and statements in committee reports.

Amendment

An amendment makes actual changes in the language of the treaty.

Reservation

The term "reservation" in treaty making, according to general international usage, means a formal declaration by a State, when signing, ratifying, or adhering to a treaty, which modifies or limits the substantive effect of one or more of the treaty provisions as between the reserving State and other States party to the treaty.

Understandings, Interpretations, Declarations, Statements Etc.

The term "understanding" is often used to designate a statement when it is not intended to modify or limit any of the provisions of the treaty in its international operation but is intended merely to clarify or explain or to deal with some matter incidental to the operation of the treaty in a manner other than as a substantive reservation. They are part of the instrument of ratification no matter what they are called, even if their effect is solely of an internal domestic nature.

RATIFICATION OF TREATIES

The word ratification when used in connection with treaties refers to the formal act by which a nation affirms its willingness to be bound by a specific international agreement. The basic purpose of ratification of a treaty is to confirm that an agreement which has been negotiated and signed is accepted and recognized as binding by those countries. Originally, when continuous and rapid communication between a government and its representatives abroad was not possible, ratification was the home government's endorsement of an agreement made by those representatives.

The procedure by which individual nations ratify treaties is a concern of domestic rather than international law. The Constitution does not use the word ratification in regard to treaties. It says only that the President shall have power, by and with the advice and consent of the Senate, to make treaties, and does not divide up the process into various component parts which can be identified today, such as initiation, negotiation, signing, Senatorial advice and consent, ratification, deposit or exchange of ratification and promulgation. From the beginning, however, the formal act of ratification has been performed by the President acting "by and with the advice and consent of the Senate." The President ratifies the treaty, but only upon the authorization of the Senate.

ADVICE AND CONSENT OF THE SENATE

This phrase refers to the Senate's approval of the resolution of ratification of treaties, or the approval of nominations. After a vote on a resolution of ratification, which must be by a two-thirds vote of the Senators present, the President, if he sees fit, may reject the treaty. With the President's approval, however, the ratification occurs with the exchange of the instruments of ratification between the parties to the treaty. Thus, the act of ratification for the United States is a Presidential act, but it may not be forthcoming unless the Senate has given its consent. The scope of the Senate's approval of nominations sent to the Senate by the President is vast. It includes officers of the Government, specifically ambassadors, other public ministers and counsels, judges of the Supreme Court, all other officers of the United States as set forth in the Constitution, and such officers as Congress by law may designate. The President nominates individuals, and if the Senate by its advice and consent gives its approval by majority vote, they are then appointed by the President.

Treaties, unlike any other business considered by the Senate, stay before that body once they are submitted by the President until the Senate has acted thereon or unless the President requests, and/or the Senate adopts an order or resolution authorizing, their return to the President or the Secretary of State. In 1937, 1947, and 1952, numerous treaties were returned to the Secretary of State or the President of the United States pursuant to an order or resolution adopted by the Senate, including some dating back as early as 1910.

SENATE COMMITTEE CONSIDERATION

Senate committees are appointed by resolution at the beginning of each Congress, with power to continue and act until their successors are appointed. All Senate committees are created by the Senate. At present, Senate committees include 16 standing committees, 4 select committees, and 1 special committee. Standing committees are charged to report by bill or otherwise on matters within a defined jurisdiction and generally to study and review, on a comprehensive basis, certain matters relating thereto. Select and special committees have varying powers and obligations, and increasingly have been given legislative jurisdiction. Senate Members may also serve, along with House Members, on joint committees, whose duties and responsibilities are set forth in the respective resolutions creating them. There are currently 4 joint committees of the Congress. Conference committees, appointed when there is disagreement to a measure after passage by both Houses, like joint committees, are composed of Members of both the Senate and House, but votes in a conference committee are not as a body, but as two units. The committee chairman is normally a member of the majority party. He is chosen by order of the Senate, and is usually, but not always, the senior Member in point of service of the majority Members of the committee.

COMMITTEE RULES

Rule XXVI on committee procedure provides that each committee shall adopt rules (not inconsistent with the Rules of the Senate)

governing the procedure of such committee. It provides also that the rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than 60 days after such establishment. An amendment to the rules of any such committee shall be published in the Record not later than 30 days after the adoption of such amendment.

Once a bill has been introduced and has been referred by the Presiding Officer with the advice of the Parliamentarian, the clerk of the committee enters it upon the committee's Calendar of Business.

Committees as a rule have regular meeting days, but they may meet at the call of their chairman or upon the request of a majority at other times. At these meetings matters on the committee calendar are usually the order of business, but any matter within the committee's jurisdiction may be considered—for example, an investigation of an agency of the Government over which it has jurisdiction, or to hear an official discuss policies and operations of his agency.

Any committee may refer its pending bills to its subcommittees for study and reports thereon. Most of the committees have standing subcommittees, and frequently ad hoc subcommittees are appointed to study and report on particular pieces of legislation or to make a study of a certain subject.

Committees or subcommittees generally hold hearings on all major or controversial legislation before drafting the proposal into a final form for reporting to the Senate. The length of hearings and the number of witnesses testifying vary, depending upon the time element, the number of witnesses wanting to be heard, the desires of the committee to hear witnesses, etc. Recommendations of the Administration, in conjunction with the Office of Management and Budget, are sought by the committees on nearly all major legislation, but they are in no way obligated to accept such recommendations.

For example, the Department of Agriculture, Office of Governmental and Public Affairs, providing liaison between the department and the Congress, would be addressed on a bill relating to inspection of livestock, meat, and agricultural products, and the Office of Congressional Affairs, General Services Administration, would be asked to comment on proposed legislation affecting small business, disadvantaged business, and related subcontracting programs. The responses are often used in support of or against matters pending before the Senate by being quoted on the floor or being inserted in the Record by Senators during debate.

A subcommittee makes reports to its full committee, and the latter may adopt such reports without change, amend them in any way it desires, reject them, or adopt an entirely different report.

After consideration of any bill, and the usual "mark up" session, which is the committee session held just prior to reporting a bill or resolution back to the full Senate wherein final determination is made on the content and form of the measure, the full committee may

report it to the Senate favorably with or without amendments, submit an adverse report thereon, or vote not to report anything.

The measure can be reported with committee amendments which may (a) insert, (b) strike, (c) strike part of the bill and insert other language, or (d) strike the entire text and insert a complete substitute, thereby rejecting in toto the language of a measure which was referred to, considered by, and reported by a Senate committee. The desired changes in the measure are indicated by use of italic type for additions and linetype for strike-outs, in contrast to the original introduced form of the measure which is printed as referred in Roman type.

Included may be additions, corrections, or modifications to the preamble of a resolution, the part(s) of a measure prefaced by the word "Whereas," which follow(s) the resolving clause. These are voted on after passage or adoption of the measure. Such clauses, which are introductory statements declaring the reasons for and the intent of the legislation, if amended, would reflect changes or modifications contained in the text of the measure. Also, the title may be amended.

Committees need not act on all bills referred to them. Under the rules, a Senator may enter a motion to discharge a committee from the further consideration of any bill, but this is rarely done. By unanimous consent, some bills are discharged from one committee and sent to another. If a motion to discharge is agreed to, the bill is thereby taken out of the jurisdiction of that committee and placed on the Senate Calendar of Business. It may subsequently be referred to another committee.

COMMITTEE REPORTS

The chairman, or some other Member of the committee designated for that purpose, reports bills to the Senate, and when reported they are placed on the Senate Calendar of Business, unless unanimous consent is given for immediate consideration.

The action taken by the committee appears on the copy of the bill reported, and a written report, which is numbered ad seriatim, nearly always accompanies the bill. The reports, like the bills, are printed by the Government Printing Office for distribution.

A reported bill passes through the same channels in the Secretary's Office as an introduced bill, for notation of the proper entries on the records. It is reprinted, showing the calendar and report numbers, the name of the Senator reporting it, the date, and whether with or without amendment. Matters proposed to be stricken out of a bill by the committee are shown in linetype, while matters proposed to be inserted are shown in italic. The committee report may include minority, supplemental, and/or additional views, and these are printed as a part of the committee report on the measure.

SENATE CONSIDERATION

The majority and minority leaders, as the spokesmen for their parties, and in consultation with their respective policy committees, implement and direct the legislative schedule and program.

Most measures are passed either on the call of the Calendar or by unanimous consent procedure. The more significant and controversial matters are considered under a unanimous consent agreement limiting debate and controlling time on the measure, amendments thereto, and debatable motions relating to it, when possible. This is done because otherwise debate is unlimited. Measures may be brought up on motion by a simple majority vote if they have been on the Calendar one legislative day. Such a motion is usually made by the majority leader or his designee and is usually debatable. The motion to proceed to the consideration of a measure on the Calendar is usually only made if unanimous consent to proceed to its consideration is objected to.

On highly controversial matters, the Senate frequently has to resort to "cloture" to work its will on the bill. Under Rule XXII, if three-fifths of the Senators duly chosen and sworn (sixty if the Senate is at full membership of one hundred) vote in the affirmative, further debate on the question shall be limited to no more than one hour for each Senator, and the time for consideration of the matter shall be limited to 100 hours, unless increased by the same three-fifths vote indicated above. On a measure or motion to amend the Senate Rules, it takes two-thirds of the Senators present and voting, a quorum being present, to invoke cloture.

Although under Rule VIII, which governs the consideration of bills on the call of the Senate Calendar, there is supposed to be a Calendar call each day at the end of the morning business, under current practice this very rarely occurs—the Calendar is usually called pursuant to a unanimous consent order. Rule VII makes a call of the Calendar mandatory on Monday if the Senate had adjourned after its prior sitting. This requirement may be waived by unanimous consent, and it has become the practice of the leadership to almost invariably request that the requirement be waived.

Once a bill or resolution is before the Senate, it is subject to the amendatory process, both by the committee reporting it and by individual Senators offering amendments from the floor. A committee amendment reported as a total substitute (strikes all after the enacting clause and inserts new language for the entire bill) for the pending measure is always voted on last, inasmuch as once a total substitute is agreed to, further amendments are precluded. With this exception, however, committee amendments take priority and are considered in order as they appear in the printed copy of the measure before the Senate. The only amendments from the floor in order during the consideration of these committee amendments are amendments offered to the committee amendments. Once the committee amendments have been disposed of, however, any Senator may propose amendments to any part of the bill not already amended, and while an amendment is pending, an amendment to the amendment is in order. By precedent, an amendment to an amendment to an amendment, being an amendment in the third degree, is not in order. However, the first amendment in the nature of a substitute for a bill, whether reported by a committee or offered by an individual Senator, does not kill a degree, being amendable in two more degrees.

There are certain special procedures in the Senate which limit the amendatory process. For example, during the consideration of gen-

eral appropriation bills, amendments are subject to the strictures of Rule XVI under which amendments proposing new or general legislation, non-germane amendments, and amendments increasing the amount of an appropriation, which increase has not been previously authorized or estimated for in the President's Budget, are not in order. Likewise, when operating under a general unanimous consent agreement in the usual form on a bill or resolution, amendments must be germane. Germaneness of amendments is also required once the Senate has invoked cloture, and in addition any amendments considered under cloture must have been submitted prior to the Senate's vote on cloture.

When all committee amendments and individual floor amendments offered by Senators have been disposed of, the bill is ordered engrossed and read a third time, which step ends the amendatory process.

The next step, after the amendment stage, is the engrossment and third reading of the bill. This reading is by title only. The question is then put upon its passage, which is carried by a majority vote. If a resolution has a preamble, sometimes referred to as "Whereas", it may be agreed to, amended, or stricken out, after the resolution has been adopted. The title to a bill is also acted upon after its passage, and if amendments are made that necessitate a change in the title, the bill is accordingly amended. At any time before its passage, a bill may be laid on the table or postponed indefinitely, either of which motions has the effect of killing the bill; made a special order for a day certain, which requires a two-thirds vote; laid aside temporarily; recommitted to the committee which reported the bill; referred to a different committee; or displaced by taking up another bill by a majority vote.

Most bills are passed by a voice vote only, but where a doubt is raised in such a case, the Presiding Officer, or any Senator, before the result is announced, may request a division of the Senate to determine the question. Before the result of a voice or division vote has been announced, a roll-call vote may be had upon the demand of one-fifth of the Senators present, but at least eleven—one-fifth of the presumptive quorum of fifty-one.

In the case of a yea-and-nay vote, any Senator who voted with the prevailing side or who did not vote may, on the same calendar day or on either of the next two days the Senate is actually in session, make a motion to reconsider a question. On a voice vote or division vote, however, any Senator may make the motion. If made before other business intervenes, it may be proceeded with and is debatable. It may be laid on the table without prejudice to the main question and is a final disposition of the motion. A majority vote determines questions of reconsideration. If the motion is agreed to, another vote may be taken on the question reconsidered; if disagreed to, the first decision of the Senate is affirmed. The making of such a motion is privileged and may be made while another matter is pending before the Senate, in which case its consideration cannot be proceeded with except by unanimous consent or on motion. In such latter case the pending business would be displaced by agreeing to the motion.

Only one motion to reconsider the same question is in order. Such a motion, under rule XXI, may be withdrawn by the mover by leave of the Senate, which may be granted by a majority vote or by unanimous consent. A bill cannot be transmitted to the House of Representatives while a motion to reconsider remains unacted upon.

ENGROSSED BILLS

The printed bill used at the desk by the Senate during its consideration as the official desk copy, showing the amendments adopted, if any, and endorsed as having passed, is sent to the Secretary's Office and delivered to the Bill Clerk. Again the Bill Clerk makes the proper entries on his records and the data retrieval system. He then turns it over to the Enrolling Clerk who makes an appropriate entry on his records and sends it to the Government Printing Office to be printed on special white paper in the form in which it passed the Senate. This printed Act is attested by the Secretary as having passed the Senate as of the proper date, and is termed the official engrossed bill.

After the passage of a bill by one body, it technically becomes an Act (not yet effective as a law), but it nevertheless continues to be generally referred to as a bill.

BILLS SENT TO HOUSE

Engrossed bills are messaged to the House of Representatives by one of the clerks in the Secretary's Office, who is announced by the Doorkeeper of the House.[1] Upon being recognized by the Speaker, the clerk announces that the Senate has passed a bill (giving its number and title) in which the concurrence of the House is requested.

Upon receipt of the message from the Senate, the Speaker refers the measures contained therein to appropriate committees. If, however, a substantially similar House bill has been favorably reported by a committee, the Senate bill, unless it creates a charge upon the Treasury, may not be referred but remains on the Speaker's table. It may subsequently be taken up or substituted for such House bill when consideration of the latter occurs.

HOUSE COMMITTEE CONSIDERATION

Senate bills and resolutions when messaged to the House may be referred by the Speaker to the appropriate House committee, just as he refers all bills and resolutions introduced in the House. If referred, they are processed in much the same fashion as in the Senate—that is, endorsed for reference, recorded in the Journal, listed in the Congressional Record, and printed by the Government Printing Office for distribution. The House committees, like the Senate committees, have committee calendars of business and usually have regular meeting days (but may also meet on the call of their chairman) for the consideration of business pending before them.

The procedure of House committees in considering and reporting bills is much the same as that of the Senate committees; they also have standing subcommittees and ad hoc subcommittees. Under new House rules (adopted in January, 1975), a measure may be referred to a single committee, or jointly or sequentially to several committees, where more than one committee has jurisdiction over the subject matter.

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[1] (Senate Journal, Apr. 23, 1789.) The original rule provided: When a bill or other message shall be sent from the Senate to the House of Representatives, it shall be carried by the Secretary, who shall make one obeisance to the Chair on entering the door of the House of Representatives, and another on delivering it at the table into the hands of the Speaker. After he shall have delivered it, he shall make an obeisance to the Speaker, and repeat it as he retires from the House.

After all House committees having jurisdiction have concluded consideration of a proposed bill, it may be reported to the House with or without amendments. A written report accompanies each reported measure. When reported it is placed on at least one of the four House calendars, namely: Union Calendar, House Calendar, Consent Calendar, and Private Calendar. If it is a noncontroversial public bill, it may at the same time be placed on either the Union or House and the Consent Calendars.

There is one other House calendar called the Discharge Calendar. Only bills discharged from committees are ever placed on this calendar.

HOUSE CONSIDERATION

The House calendars have little relationship to the order in which the House transacts its business.

In addition to the calendars, the House has special legislative days which have been established to expedite certain types of unprivileged business. The special legislative days are: Calendar Wednesday (every Wednesday), District of Columbia (considered on second and fourth Mondays), and Suspension of the Rules (considered first and third Mondays, and the Tuesdays following those days). The Consent Calendar business is transacted on the first and third Mondays, and Private Calendar business on the first and third Tuesdays. Discharge Calendar business, if any, comes up on the second and fourth Mondays.

The business privileged for consideration in the House on special legislative days is defined in each instance. Generally speaking, after the regular routine business each morning, including the reading of the Journal, the House proceeds to the consideration of bills or resolutions if any are to be acted on that day. The order varies somewhat, as follows: (1) On special calendar and special legislative days, bills and resolutions are called up in pursuance of the procedure defined by the rules in each instance as mentioned above; (2) under unanimous consent, bills are called up in pursuance of such requests made and granted by the House, regardless of the regular rules of procedure; (3) privileged matters, including general appropriation bills, conference reports, and the like, may be called up by the Members in charge of them at almost any time after they have been reported for three days, interrupting other less privileged business, providing the Representative in charge is recognized by the Speaker; and (4) the House can determine the order of its business and decide what bill to take up by adopting a special rule (simple House resolution) reported by the Rules Committee. The procedure for consideration of such measures is defined in each instance in the special rule. A special rule to call up a bill may be debated an hour before it is voted on.

Bills called up under the latter category are usually major or controversial pieces of legislation.

Bills which are first considered in the Committee of the Whole of the House are read for amendment under the 5-minute rule, after which the Committee of the Whole reports them back to the House for action on any amendments that may have been adopted and for final passage.

In the House, as in the Senate, under the rules bills are read three times before they are passed. After a Senate bill is passed by the House, with or without amendment, it is returned to the Senate; if there are amendments, the amendments are engrossed before being messaged to the Senate. All House engrossments are printed on blue paper.

SENATE ACTION ON HOUSE AMENDMENTS

Senate bills returned with House amendments are held at the desk and almost always subsequently laid before the Senate by the Presiding Officer upon request or motion of a Senator (usually the manager of the bill). The Presiding Officer may also do this upon his own initiative, but this is rarely done. After the House message has been laid down, the amendments may be considered individually or en bloc by unanimous consent. Any one of the following motions relating to the amendment or amendments may then be offered, taking precedence in the order named: (1) A motion to refer the amendments to a standing committee of the Senate, (2) a motion to amend the amendments; (3) a motion to agree to the amendments; and (4) a motion to disagree to the amendments and ask a conference with the House. Usually number (4) includes authority for the Presiding Officer to appoint conferees on the part of the Senate, although the power to name conferees is in the Senate, not in the Chair. The number of conferees named varies widely. The usual range is seven to eleven, but occasionally a larger number is appointed, especially in the case of general appropriation bills.

In the case of motion number (2), the amendments made by the Senate to the House amendments are transmitted to the House, with a request for its concurrence therein. If the House concurs or agrees in all the amendments (the words being used synonymously), the legislative steps in the passage of the bill are completed. The House, however, may amend the Senate amendments to the House amendments, this being the second, and therefore the last, degree in which amendments may be made. The House amendments to the Senate amendments are transmitted to the Senate, usually with a request for concurrence therein. As in the case of the original amendments, the Senate may agree to some, disagree to others, or ask for a conference with the House thereon. A conference may be requested at any stage of the consideration of these amendments in disagreement. If the Senate agrees to all the House amendments to the Senate amendments, such action brings the two Houses into complete agreement, and likewise completes the legislative steps.

With respect to motion number (3), the concurrence of the Senate in the House amendments also completes the legislative steps.

With respect to motion number (1), the standing committee, after consideration, may recommend action indicated in motions (2), (3), or (4), and may make such motion accordingly.

BILLS ORIGINATING IN THE HOUSE

If a bill or resolution originates in the House, it follows the same steps as set forth above, except in reverse, i.e.: A House committee considers it first; it is passed by the House; it is messaged to the Senate and referred to a Senate committee; the committee reports it to the Senate and it is then acted on by that body. If amended, it is returned to the House for concurrence in the Senate amendments.

CONFERENCES

When the Senate requests a conference or agrees to a request for a conference and names its conferees, it informs the House of its action by message. After the second House agrees to the conference, appoints

conferees, and apprises the first House of its action by message, all the papers relating to the measure sent to conference (referred to as the "official papers") are transmitted to the conference. This includes the original engrossed bill, engrossed amendments, and the various messages of transmittal between the Houses.

Since the conferees of each House vote as a unit, the House, like the Senate, may appoint as many conferees as it chooses to meet with the Senate conferees to reconcile the differences between the two Houses—the sole purpose of a conference. Thus, having a larger number of conferees than the other House does not provide an advantage.

After deliberation the conferees may make one or more recommendations: For example, (1) that the House recede from all or certain of its amendments; (2) that the Senate recede from its disagreement to all or certain of the House amendments and agree to the same; or (3) that they report an inability to agree in all or in part. Usually, however, there is compromise.

Conferees dealing with an amendment or a series of amendments are more limited in their options than conferees dealing with a bill passed by the second House with an amendment in the nature of a substitute. They can only deal with the matters in disagreement. They cannot insert new matter or leave out matter agreed to by both Houses, and if they exceed their authority, a point of order will lie against the conference report. Each House may instruct its conferees, but this is rarely done. Such instructions are not binding since conferences are presumed to be full and free—one House cannot restrict the other House's conferees.

Where one House passes a bill of the other House with an amendment in the nature of a substitute and the measure then goes to conference, the conferees have wider latitude since the entire matter is in conference. They may report a third version on the same subject matter; all of its provisions, however, must be a germane modification of either the House or Senate version, or it will be subject to a point of order.

CONFERENCE REPORTS

The recommendations of the conferees are incorporated in a written report and a joint statement of managers, made in duplicate, both of which must be signed by a majority of the conferees of each House. If there are amendments upon which they were unable to agree, a statement to this effect is included in the report. These are referred to as amendments in disagreement. The conferees cannot report amendments in disagreement where the bill had gone to conference after one House had amended it with a complete substitute for the other House's bill.

One report, together with the papers if the House is to act first, is taken by the House conferees, or managers, as they are termed in that body, and subsequently presented by them to the House, with an accompanying explanatory statement as to its effect upon the matters involved. The report must lie over three days in the House for printing, except during the last six days of a session. The Senate conferees take the other copy which is presented for printing under the requirements of the Legislative Reorganization Act as amended in 1970. To save time and expense, this requirement is frequently waived in the Senate by unanimous consent.

Normally, the House agreeing to a conference on a bill acts first on a conference report, but either House can act first if it has the official papers. Conference reports are privileged in both the Senate and the House. They cannot be amended, but must be voted upon as an entirety. If amendments in disagreement were reported by the conferees, they are acted on after the conference report is adopted and may be subject to amendment. After adoption by the first House, the conference report is transmitted with the official papers to the other House with a message announcing its action.

Assuming action by the House first, the Senate conferees could then present their report and ask for its immediate consideration. It does not have to lie over three days in the Senate, as it does in the House, and the motion to proceed to its consideration is not debatable; thus the Senate may act immediately. A motion to recommit a conference report may not be made in the second House acting on the report since the conferees of the first House were discharged when their body agreed to the report.

If conferees reach a complete agreement on all of the House amendments to a Senate bill, and the House adopts that report, the adoption of the report by the Senate completes the legislative action on the bill. If, however, there were amendments upon which an agreement had not been reached by the conferees, the adoption of the report by both Houses leaves the parliamentary status of these particular amendments in disagreement the same as if no conference had been held.

If the amendments on which an agreement could not be reached were House amendments, and the House acted on the report first, it could then recede from its amendments, eliminating the amendments in disagreement; then, if the Senate adopts the report, the bill would have been cleared for the President's signature. If they were Senate amendments and the House acted first, the House could concur in the Senate amendments or concur in them with amendments. If the Senate amendments were concurred in by the House, that would clear the amendments in disagreement, and when the Senate agreed to the conference report, the bill would be cleared for the President's signature. If the House should concur in the Senate amendments reported in disagreement with amendments, after the Senate agreed to the report, it could concur in the House amendments to the Senate amendments which would clear the bill for the President's signature. If the amendments reported in disagreement are not so disposed of, a further conference on these amendments could be requested by one House and agreed to by the other. When this happens, the two Houses usually appoint the same conferees. Until all the amendments in disagreement are reconciled by the two Houses, the bill cannot become a law.

If a conference report is rejected by one of the Houses, it so notifies the other body by message and usually requests another conference; however, it may merely notify the second body of its action without requesting a further conference, leaving further steps to be taken by the other House. Endorsements showing these various legislative steps, and when taken, are made on the engrossed bill.

When the two Houses reach a complete agreement on all the amendments, the papers are delivered to the Enrolling Clerk of the House where the bill originated. He prepares a copy of the bill in the form as finally agreed upon by the two Houses and sends it to the Government Printing Office for "enrollment," which means historically "writ-

ten on parchment." The original papers on the bill are retained in the files of the originating House until the end of a Congress, when they are sent to the Archives.

SIGNATURES OF SPEAKER AND VICE PRESIDENT

Upon receipt of an enrolled bill from the Government Printing Office, either the Secretary of the Senate or the Clerk of the House endorses it, certifying where the bill originated. If, after examination by the Enrolling Clerk of that House, the bill is found to be in the form agreed upon by both Houses, a slip is attached thereto stating that the bill, identified by number and title, has been examined and found truly enrolled. It is then presented to the Speaker of the House [2] for his signature, which is announced in open session. Usually, enrolled bills are signed first by the Speaker. The bill is then transmitted by messenger to the Senate, where it is signed by the Vice President.[2]

Under the rules of the House, the Committee on House Administration is charged, when an enrolled bill has been duly signed by the Speaker and the Vice President, to present the same, when the bill originates in the House, to the President of the United States for his signature "and report the fact and date of such presentation to the House." If it is a Senate bill, this responsibility of presenting the bill to the President falls on the Secretary of the Senate.

An error discovered in a bill after the legislative steps in its passage have been completed may be corrected by authority of a concurrent resolution, provided it has not been approved by the President. If the bill has not been enrolled, the error may be corrected in the enrollment; if it has been enrolled and signed by the Presiding Officers of the two Houses, or by the Speaker, such action may be rescinded by a concurrent resolution agreed to by the two Houses, and the bill correctly re-enrolled. If it has been presented to the President, but not acted upon by him, he may be requested by a concurrent resolution to return it to the Senate or the House for correction. If, however, the President has approved the bill, and it has thereby become a law, any amendment thereof can only be made by the passage of another bill, which must take the same course as the original.

PRESIDENTIAL ACTION—APPROVAL OR VETO

The President, under the Constitution, has ten days [3] (Sundays excepted) [4] after the bill has been presented to him in which to act upon it. If the subject matter of the bill is within the jurisdiction of a department of the Government, or affects its interests in any way, he

[2] When the Speaker and/or the Vice President are unable to sign duly enrolled bills or joint resolutions, they may be signed by the authorized presiding officers of the two bodies.

[3] Article 1, Section 7, provides that: "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law."

[4] In the computation of the ten days, the day on which the bill is presented to the President, like Sundays, is excluded.

may, in the meantime, at his discretion, refer the bill to the head of such department for investigation and a report thereon. The report of such official may serve as an aid to the President in reaching a decision on the question of approval. If the President approves the bill, he signs it, giving the date, and transmits this information by messenger to the Senate or the House, as the case might be. In the case of revenue and tariff bills, the hour of approval is usually indicated. The enrolled bill is delivered to the Administrator of the General Services Administration, who designates it as a public or private law, depending upon its purpose, and gives it a number. Public and private laws are numbered separately and serially. An official copy is sent to the Government Printing Office to be used in making the so-called slip law print. The enrolled bill itself is deposited in the files of the General Services Administration.

In the event the President does not desire to approve a bill, but is unwilling to veto it, he may, by not returning it within the ten-day period after it is presented to him, permit it to become a law without his approval. The Administrator of the General Services Administration makes an endorsement on the bill that, having been presented to the President of the United States for his approval and not having been returned to the House of Congress in which it originated within the time prescribed by the Constitution, it has become a law without his approval.

Where the ten-day period extends beyond the date of the final adjournment of the Congress, the President may, within such time, approve and sign the bill, which thereby becomes a law. If, however, in such a case, the President does not approve and sign the bill prior to the expiration of that period, it fails to become a law. This is what is known as a pocket veto. The United States Court of Appeals, in the case of *Kennedy* v. *Sampson*, 511 F.2d 430 (D.C. Cir., August 14, 1974), held that a Senate bill could not be pocket-vetoed by the President during an "intrasession" adjournment of Congress to a day certain for more than three days, where the Secretary of the Senate had been authorized to receive Presidential messages during such adjournment.

If the President does not favor a bill and vetoes it, he returns it to the House of origin without his approval, together with his objections thereto (referred to as the "veto message"). It should be noted that after the final adjournment of the 94th Congress, first session, the President returned two bills, giving Congress the opportunity to reconsider and "override" the vetoes.

The constitutional provision for reconsideration by the Senate is met, under the precedents, by the reading of the veto message, spreading it on the Journal, and adopting a motion (1) to act on it immediately; (2) to refer it, with the accompanying papers, to a standing committee; (3) to order that it lie on the table, to be subsequently considered; or (4) to order its consideration postponed to a definite day. The House procedure is much the same.

If, upon reconsideration by either House, the House of origin acting first, it does not receive a two-thirds vote, the President's veto is sustained and the bill fails to become a law.

If a bill which has been vetoed is passed upon reconsideration by the first House by the required two-thirds vote, an endorsement to this effect is made on the back of the bill, and it is then transmitted, together with the accompanying message, to the second House for its action thereon. If likewise reconsidered and passed by that body, a similar endorsement is made thereon. The bill, which has thereby been enacted into law, is not again presented to the President of the United States, but is delivered to the Administrator of the General Services Administration for deposit in the Archives, and is printed, together with the attestations of the Secretary of the Senate and the Clerk of the House of its passage over the President's veto.

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FIGURE I

(Senate bill as introduced in Senate and referred to committee)

CONGRESS
SESSION

S.

IN THE SENATE OF THE UNITED STATES

Mr. (for himself and introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

A BILL

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Selective Service Act ."

* * * * * * *

(Sample copy of part of first page and end of last page of this 7-page introduced bill)

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

FIGURE II

(Senate bill as reported in the Senate with amendments for Senate consideration)

Calendar No. 204

CONGRESS
1ST SESSION

S.

[Report No. 209]

IN THE SENATE OF THE UNITED STATES

Mr. (for himself and) introduced the following bill; which was read twice and referred to the Committee on Armed Services

Reported by Mr. , with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Selective Service Act of 1967'."

(Sample copy of first page and end of last page of this 7-page reported bill)

* * * * * * *

"(2) employment necessary to maintain the national health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

FIGURE III

(Senate report to accompany S. 1432, as reported)

Calendar No. 204

CONGRESS *Session*	SENATE	REPORT No. 209

AMENDING AND EXTENDING THE DRAFT LAW

—Ordered to be printed

Mr. from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 1432]

The Committee on Armed Services, to which was referred the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE

This bill would—

(1) Extend for a period of 4 years, from July 1, 1967, through July 1, 1971, the following provisions of law:

(*a*) The authority to induct persons into the Armed Forces;

(*b*) The authority to issue selective service calls for physicians, dentists, and allied specialists;

(*c*) The suspension of permanent limitations on the active duty strength of the Armed Forces;

(*d*) The authority to pay a quarters allowance to all enlisted members of the Armed Forces who have dependents, irrespective of the rank of these members, if the dependents are not furnished Government quarters; and

(*e*) The authority for special pay to physicians, dentists, and veterinarians.

* * * * * * *

(Sample copy of part of first page and end of last page of this 26-page Senate report)

* * * * * * *

§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units

(a) Notwithstanding any other provision of law, the President may order to active duty any member of the Ready Reserve of an armed force who—

(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

(2) has not fulfilled his statutory reserve obligations; and

(3) has not served on active duty for a total of 24 months.

(b) A member who is ordered to active duty under this section may be required to serve on active duty until his total service on active duty equals 24 months. If his enlistment or other period of military service would expire before he has served the required period under this section, it may be extended until he has served the required period.

(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

(1) family responsibilities; and

(2) employment necessary to maintain the national health, safety, or interest.

FIGURE IV

(Engrossed Senate bill—Passed by Senate and ready for messaging to House of Representatives)

CONGRESS
SESSION

S.

AN ACT

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Selective Service Act of 1967'."

* * * * * * *

(Sample copy of part of first page and end of last page of this 6-page engrossed bill)

* * * * * * *

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

Passed the Senate May 11 (legislative day, May 10), 1967.

Attest:

Secretary.

FIGURE V

(Senate-passed bill as received by the House of Representatives and referred to its committee)

CONGRESS
SESSION

S.

IN THE HOUSE OF REPRESENTATIVES

Referred to the Committee on Armed Services

AN ACT

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Selective Service Act of 1967'."

(2) Section 6(c) (2) (A) (50 App. U.S.C. 456(c) (2) (A)), is amended to read as follows:

(Sample copy of first page and end of last page of this 6-page bill as passed by Senate and referred to committee in House)

* * * * * * *

tional health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

Passed the Senate (legislative day, ,

Attest:

Secretary.

FIGURE VI

(Senate-passed bill as reported for consideration by House)

Union Calendar No. 116

CONGRESS
SESSION

S.

[Report No. 267]

IN THE HOUSE OF REPRESENTATIVES

Referred to the Committee on Armed Services

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That the Universal Military Training and Service Act is amended as follows:~~

~~(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:~~

(Sample copy of part of first page and end of last page of this 21-page bill as reported to House for its consideration)

* * * * * * *

SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1967" whenever that date appears and inserting in place thereof "July 1, 1971".

Passed the Senate (legislative day,).

Attest:

Secretary.

FIGURE VII

(House of Representatives Report Numbered 267 to accompany S. as reported to House)

CONGRESS *Session*	HOUSE OF REPRESENTATIVES	REPORT No. 267

MILITARY SELECTIVE SERVICE ACT OF

.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. , from the Committee on Armed Services, submitted the following

REPORT

[To accompany S.

The Committee on Armed Services, to whom was referred the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the Universal Military Training and Service Act is amended as follows:
(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:
"(a) This Act may be cited as the 'Military Selective Service Act of 1967'."
(2) Section 4 (50 App. U.S.C. 454) is amended by:
(a) Inserting after the first proviso of subsection (a) the following:
"*Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.", and
(b) Adding the following new subsection (g) to read as follows:

* * * * * * *

(Sample copy of part of first page and end of last page of this 47-page House report)

Section 3

This section would continue for four years the authority to pay allowances for quarters to enlisted members in pay grades E–1, E–2, E–3, and E–4 (with 4 or less years of service) if these members have dependents.

If the authority to pay these allowances under the Dependents Assistance Act is not continued, these enlisted members would be entitled to a quarters allowance of only $45 a month, regardless of the number of their dependents, and even this lower allowance would be payable only if quarters were not furnished to the enlisted member.

Section 4

This section would continue for four years the so-called Doctors Draft Act.

Section 5

This section would continue for those officers who enter on active duty after June 30, 1967, authority for the payment of special pays to physicians, dentists, and veterinarians.

FIGURE VIII

(Engrossed House amendments to S. —Passed by House of Representatives and ready for messaging to Senate*)

In the House of Representatives, U. S.,

Resolved, That the bill from the Senate (S.) entitled "An Act to amend the Universal Military Training and Service Act, and for other purposes", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a)(50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act of 1967'."

(2) Section 1(c)(50 App. U.S.C. 451(c)) is amended to read as follows:

"(c) The Congress further declares that in a free society the obligations of serving in the armed forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation, and the opportu-

(Sample copy of first page and end of last page of this 17-page print of House engrossed amendments)

* * * * * * *

SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1967" whenever that date appears and inserting in place thereof "July 1, 1971".

Attest:

* Printed on blue paper.

Clerk.

25

FIGURE IX

(Conference report on S. —to be approved by both Houses before becoming law)

CONGRESS *Session*	HOUSE OF REPRESENTATIVES	REPORT No. 346

AMENDING AND EXTENDING THE DRAFT ACT AND RELATED LAWS

—Ordered to be printed

Mr. , from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That the Universal Military Training and Service Act is amended as follows:*

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act of 1967'."

(2) Section 4 (50 App. U.S.C. 454) is amended by:

* * * * * * *

(Sample copy of part of first page and end of last page of this 7-page conference report)

* * * * * * *

"(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest."; and

(3) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

And the House agree to the same.

Managers on the Part of the House.

Managers on the Part of the Senate.

THE WHITE HOUSE RECEIVED

FIGURE X

(Enrolled bill signed by President)

PUBLIC LAW

GENERAL SERVICES ADMINISTRATION RECEIVED NARS

S.

Congress of the United States of America

AT THE SESSION

Begun and held at the City of Washington on Tuesday, the

An Act

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act of 1967'."

(2) Section 4 (50 App. U.S.C. 454) is amended by:

(a) Inserting after the first proviso of subsection (a) the following: "*Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.", and

(b) Adding the following new subsection (g) to read as follows:

"(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population."

(3) Section 5(a) (50 App. U.S.C. 455(a)) is amended by inserting "(1)" immediately after "SEC. 5. (a)"; and by adding at the end thereof a new paragraph as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967."

(4) Section 6(c)(2)(A) (50 App. U.S.C. 456(c)(2)(A)), is amended to read as follows:

"(2)(A) Any person, other than a person referred to in subsection (d) of this section, who—

"(i) prior to the issuance of orders for him to report for induction; or

"(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

"(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be main-

S. 1432—7

"(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"976a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

APPROVED

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FIGURE XI

Public Law Published by G.S.A.

Public Law
Congress, S.

An Act

81 STAT. 100

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

Universal Military Training and Service Act, amendments. 65 Stat. 75. Short title redesignation. Induction liability.

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act of 1967'."

(2) Section 4 (50 App. U.S.C. 454) is amended by:

(a) Inserting after the first proviso of subsection (a) the following: "*Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.", and

Occupational deferment recommendations.

(b) Adding the following new subsection (g) to read as follows:

"(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population."

* * * * * * *

"(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest."; and

(2) by inserting the following item in the analysis:

"673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units."

Approved

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 267 (Comm. on Armed Services) and
No. 346 (Comm. of Conference).
SENATE REPORT No. 209 (Comm. on Armed Services).
CONGRESSIONAL RECORD,
May 9, 10: Considered in Senate.
May 11: Considered and passed Senate.
May 25: Considered and passed House, amended.
June 12, 14: Senate agreed to conference report.
June 20: House agreed to conference report.

○